

FRANKFORT/FRANKLIN COUNTY BOARD OF ZONING ADJUSTMENTS
December 4, 2007

Chairman Mitch Buchanan called the meeting to order at 5:30 p.m.
Recording Secretary Dawn McDonald called the roll.

MEMBERS PRESENT:	Mitch Buchanan
	Barry Holder, Jr.
	Ryan Sell
	Joe Johnson
	David Jones

MEMBERS ABSENT:	Kathy Peale
	Joyce Honaker

Chairman Mitch Buchanan called the meeting to order, introduced staff and swore in the staff and audience.

The first item of business was approval of the November 13, 2007 minutes. Mr. Holder made a motion to approve the minutes with the following changes; the word state should be replaced with the word staff in the last sentence of the fourth paragraph on page 1 of the minutes and the minutes should reflect that Ryan Sell was not present at the November meeting. The motion was seconded by Mr. Buchanan and carried unanimously.

The next item of business was a request from Denny LeCompte for a Conditional Use Permit for a Major Home Occupation (taxidermy) and a waiver from Section 15.078, requiring home occupations to be confined to the main building or attached garage for the property located at 10430 Bald Knob Road, zoned "RR" Rural Residential District.

Eric Cockley, Planner with Franklin County Planning & Zoning was present for the staff report and mentioned that this application requires a waiver because the code requires that the business be located in the main building or attached garage. Mr. Cockley went over a slide presentation detailing the property and showing where the business would be located in conjunction with the main building. Mr. Cockley stated that staff recommends denial of the application because of the negative findings however he passed out proposed conditions should the board choose to approve the request.

Denny LeCompte of 10430 Bald Knob Road was present and he stated that he had no further testimony and explained that it's just a hobby that turned into a business. Mr. Buchanan mentioned that he doesn't think a home is appropriate for this type of business due to the mess and odor. The applicant agreed with the conditions.

After discussion, Mr. Buchanan made a motion that the request from Denny LeCompte of 10430 Bald Knob Road for a Conditional Use Permit for a major

home occupation be approved based upon positive findings from the staff report and in testimony that to have the processing done in a detached building would be best served because of the odor and waste products that are a part of this process it would also go towards having a safer living environment with the following conditions, 1) that a business license (home occupation license) is required from the County; 2) that should the owner not reside at this residence, then the Conditional Use Permit will become null and void; 3) the conditional use is permitted only at 10430 Bald Knob Road; 4) the conditional use is granted only to Denny LeCompte; 5) the conditional use is not transferable and any change in ownership or use will make this approval null and void; 6) that any signage meets the requirements of Article 13 Sign Regulations, and Article 19.016 Conditional Uses; 7) the conditional use is contingent upon the approval of the waiver of Section 15.078; and 8) that any carcass from an animal of 25 pounds or more; or when there are more than two (2) separate carcasses to be disposed, shall be disposed directly to the land fill. The motion was seconded by Mr. Holder and carried unanimously.

The next item of business was a request from Anthony Adams for 1) a Conditional Use Permit for the operation of a 45-child capacity daycare; and 2) a variance to reduce the amount of required interior play area to 0 square feet for the property located at 98 C. Michael Davenport, zoned "PO" Professional Office District.

Maya DeRosa, City Planning Supervisor was present for the staff report. She went over a slide presentation as she detailed the property and the proposed daycare center. She mentioned that this property has been vacant since Great Beginnings moved to its new location. She explained that the former daycare was state approved for 45 children. Ms. DeRosa stated that the applicant is proposing another play area, they are providing 13 parking spaces, and there are no exterior changes planned at this time. She explained that on October 22, 2007 they updated the daycare regulations and this is the first case coming in. She condensed the CUP findings to show where it meets the current requirements, it meets the lot area, exceeds the exterior play area, they meet interior space but not interior play area and it not located within 1000 feet of a registered sex offender. Ms. DeRosa explained that the prior ordinance did not say you have to have separate play areas for indoor/outdoor and an analysis determined they would have to have 5000 square feet of play area so either way they were looking at a variance, however if the applicant were to reduce there number to 24 children, there would be no need for a variance. She stated that there were both positive and negative findings. Staff recommended denial of the variance as it is short the interior play area however they offered conditions should the Board choose to approve the application. Staff recommended approval with conditions of the Conditional Use Permit for 24 children.

Christopher Spedding an attorney from Lexington representing Anthony Adams and Daddy Day Care was present and he addressed the state requirement of 60 square foot of play area per child, stating that the state considers both the interior and exterior as play areas and they would be in compliance with that. Mr. Spedding stated that the applicant entered a lease with David Sell on October 12, 2007 which was just before the code was changed to its current state on October 22, 2007. He also mentioned

that the previous daycare was approved for 45 children and that the current proposed exterior play area would have greatly met the previous requirements. Mr. Spedding stated that Mr. Adams owns and operates two daycare centers in Lexington and the business plan was not proposed for 24 children. He stated that the applicant before had 45 children and there have been no changes to the building but there have been changes to the regulations. Mr. Johnson mentioned that regulations are changed for reasons and asked the applicant the reasons for needing a variance and his intent on how many children there will be. Mr. Spedding answered that economics were the main reason for the number of children but that they are also offering a unique service to Frankfort that doesn't currently exist here by offering day care services until 12:00 midnight, operating in shifts and open until midnight on Saturdays. There was some discussion concerning the shifts, number of children, and scheduled recesses.

After discussion, Mr. Buchanan made a motion to approve a variance for the operation of a 48-child capacity daycare at 98 C. Michael Davenport with staff finding A, and the following positive findings 1) there is a brief period of the day where the shift changes and there are different designated play times for the children; and 2) the applicant entered a lease before the ordinance changed. The motion was seconded by Mr. Johnson and carried unanimously. Mr. Buchanan made a motion to approve the Conditional Use Permit. The motion was seconded by Mr. Johnson and carried unanimously.

The next item of business was a request from Handy Markets, Inc. for a Conditional Use Permit at 525 Holmes Street to allow a residence for a caretaker/watchman (being Mr. Doug Hockensmith) for the property located at 523, 523½, 525 and 531 Holmes Street, zoned "IC" Industrial Commercial District.

Maya DeRosa, City of Frankfort Planning Supervisor was present for the staff report. She explained that the office received a complaint of a trailer that was being used as a residence in an industrial district, however after looking at the code, it was determined that watchman were permitted in the industrial zone. She went over a slide presentation detailing the three properties to be watched over and stated that staff had both negative and positive findings. Staff recommended approval because this is an incidental use adding security to the properties.

The applicant Doug Hockensmith of 525 Holmes Street was present and stated that he agreed with the conditions and had no further testimony.

Mr. Johnson made a motion to approve the Conditional Use Permit with the following conditions; 1) the conditional use is permitted for a mobile home and its current addition at 525 Holmes Street; 2) the conditional use is granted only to Handy Markets; 3) the conditional use is not transferable and any change in ownership or use will make this approval null and void; 4) the conditional use is only for a watchman/caretaker of the properties located at 523 ½, 525, and 531 Holmes Street; 5) there shall be no further expansion of the mobile home; 6) the mobile home and additions shall be removed within 6 months from the expiration or cease of use as a caretakers

residence; 7) a 6-foot wood privacy fence with gates is to be installed by March 30, 2008, around the temporary storage of vehicles behind the caretakers residence at 525 Holmes Street; 8) street addresses for all buildings associated with this CUP shall be properly placed within 30 days of the approval of this request; 9) any other land use that requires a conditional use permit shall be submitted to the Board of Zoning Adjustments prior to the change of use. The motion was seconded by Mr. Holder and carried unanimously.

Mr. Buchanan made a motion to adjourn. The motion was seconded by Mr. Jones and carried unanimously.

Adjourn